

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCIS ROSE LACAVA,

Plaintiff,

-against-

MICHAEL J. ASTRUE,

Defendant.

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11 Civ. 7727 (WHP)

ORDER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/19/12

WILLIAM H. PAULEY III, District Judge:

Plaintiff Francis Rose Lacava seeks judicial review under 42 U.S.C. § 405(g) of a final decision of the Commissioner of Social Security denying her application for disability insurance benefits. On November 14, 2011, this Court referred the matter to Magistrate Judge Debra Freeman for a Report and Recommendation. After the parties moved for judgment on the pleadings, the matter was reassigned to Magistrate Judge Sarah Netburn on September 24, 2012. On November 27, 2012, Magistrate Judge Netburn issued her Report and Recommendation to this Court, recommending that this Court deny the Commissioner's motion for judgment on the pleadings, grant in part and deny in part Lacava's motion for judgment on the pleadings, and remand the case to the Commissioner for further development of the record. The parties have not filed objections to the Report and Recommendation.

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b) (1)(C). "To accept those portions of the report to which no timely objection

has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Simms v. Graham, No. 09 Civ. 1059 (KBF), 2011 WL 6072400, at *1 (internal citation and quotation marks omitted).

This Court has reviewed Magistrate Judge Netburn’s thorough and well-reasoned Report and Recommendation and finds that it is not facially erroneous. See 28 U.S.C. § 636(b)(1)(C). Accordingly, this Court adopts the Report and Recommendation in its entirety, denies the Commissioner’s motion for judgment on the pleadings, grants in part and denies in part Lacava’s motion for judgment on the pleadings, and remands the case to the Commissioner for further development of the record. The parties’ failure to file written objections to the Report and Recommendation precludes appellate review of this decision. See Thomas v. Arn, 474 U.S. 140, 155 (1985). The Clerk of the Court is directed to terminate all pending motions, mark this case closed, and enter judgment remanding this case to the Commissioner of Social Security.

Dated: December 18, 2012
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

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